IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.438/2007

Sau. Pratibha Vishnu Khare
& Ors. ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Rajiv Patil with S.M. Sabrad, Advocate
for the Applicants.

Mr U. V. Nikam, A.P.P for the State.

CORAM: V.C. DAGA,J.

DATED: 1. 8. 2007.

P.C.:-

1. Heard learned counsel for the applicants

and learned APP for the State.

2. Perused the application and the material

available on record.

3. The applicants have invoked jurisdiction of this Court under Section 438 of the Cr.P.C. to release them on bail in C.R. No. I-215 of 2006 registered with Chhavani Police Station Malegaon for the offence punishable under Sections 420, 406, 409, 468 read with Section 34 of the I.P.C.; wherein, the allegations were made against them for breach of trust, committing forgery and cheating the concerned

bank.

4. In the affidavit filed on 9.7.2007 by Kautik Nivrutti Ingale, Police Sub-Inspector, attached to Chhavani Police Station, role played by the present applicants in opening the accounts in the bank in the name of one Mohd. Iqbal and systematic transfer of amounts from non-operative accounts to operative and consequent withdrawal therefrom by the clerk in connivance with the passing officer is brought on record.

5. After having seen the *modus operandi* played by all the applicants in league with each other, it is clear that all the applicants are, prima facie, involved in the commission of the offence. Debit and credit vouchers on the basis of which alleged entries were made in the Ledger and other books of accounts are missing from the Bank record. Either they are misappropriated, removed or destroyed with common intention to conceal the offence of forgery and cheating alleged against the applicants.

6. In the peculiar facts of this case, it

is necessary to have the custodial interrogation of the applicants to find out whereabouts of the missing documents.

7. In the above view of the matter, I am not inclined to grant anticipatory bail to any of the applicants. The application is, therefore, rejected.

8. At this stage, learned counsel appearing for the applicants, on instructions, sought time to surrender and undertakes to surrender within a period of two weeks. Accordingly two weeks time is granted to surrender.

9. The application is disposed of accordingly.

(V.C. DAGA,J.)